IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 22090 of 1999**

Between:

A.T.Sankar Rao S/o.Tata Rao
Murali Travels , Keelam St. Ramakrishnarao Peta
Kakinada , E.G.dist.

**..... PETITIONER**

AND

1 Commisssioner of Prohibition & Excise.A.P
Hyderabad.
2 Dy.Commisssioner of Prohibition & Excise
Kakinada.
3 Prohibition and Excise Inspector.
Tallarevu.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue an appropriate writ , order or direction , more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in passing orders in CR.No.164/2005/DPE/99/B2 Dt: 6-9-99 confirming the confiscation order of the Ambassador ADR 2703 belonging to the petitioner , in proceedings Rc.No.413/99.B1 Dt: 18-6-99 passed by the 2nd respondent as illegal ,arbitrary , null and void and for a consequential order directing the respondents to release the Ambassador Car ADR 2703 to the petitioner forthwith and pass such other further orders.

**For the Petitioner: MR.C.V.BHANOJI RAMARS.Advocate(not present)**

**For the Respondents : GP FOR PROHIBITION & EXCISE**

**The Court Made the Following :**

**W.P.No.22090 of 1999**

**ORDER:**

The vehicle of the petitioner herein along with IML bottles of non-duty paid liquor in the bag, were seized on 28-2-1999 and a case in Cr.No.82/98-99 was registered. Basing on the same, the Deputy Commissioner of Prohibition & Excise, Kakinada, the second respondent, initiated proceedings under Section 46 of the Excise Act and, passed orders confiscating the car bearing No.ADR 2703 through his proceedings No.413/99/B1 dated 18-6-1999. Aggrieved by the said order, the petitioner preferred an appeal before the Commissioner of Prohibition & Excise, Andhra Pradesh, Hyderabad, the first respondent herein, who after going through the material on record, observed that the petitioner purchased I.M.L. bottles at Yanam brandy shop at cheaper rates for his own consumption and the bottles were being transported through the vehicle without any valid permit. No material is placed before him to deviate from the findings of the second respondent to set aside the confiscation orders and accordingly dismissed the said appeal. Challenging the said order, the petitioner filed the present writ petition.

None appeared on behalf of the petitioner.

This court denied of going through the orders passed by the second respondent and the reasons assigned for confiscation of the vehicle. Except the appellate order, order passed by the Primary Authority has not been filed, along with the writ petition. The Commissioner of Prohibition and Excise, after going through the record, confirmed the confiscation order passed by the second respondent. I see no infirmities in the impugned order warranting interference of this court.

The writ petition fails and it is accordingly dismissed. No costs.

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2nd JULY 2004

BSS/KMR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Commisssioner of Prohibition & Excise.A.P ,Hyderabad.
2 Dy.Commisssioner of Prohibition & Excise , Kakinada.
3 Prohibition and Excise Inspector. Tallarevu

4.2CCs to G.P. for Prohibition & Excise, High Court Buildings

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